

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON WEDNESDAY, NOVEMBER 5, 2014 AT 2:00 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM LOCATED IN THE GOVERNMENT CENTER, 1255 FRANKLIN STREET, SUITE 104, ROCKY MOUNT, VIRGINIA.

THERE WERE PRESENT: Cline Brubaker, Vice Chairman
Leland Mitchell
Bob Camicia
Ronnie Thompson
Charles Wagner
Bobby Thompson

ABSENT: David Cundiff, Chairman

OTHERS PRESENT: Richard E. Huff, II, County Administrator
Christopher Whitlow, Deputy Co. Administrator
B. J. Jefferson, County Attorney
Sharon K. Tudor, MMC, Clerk

Cline Brubaker, Vice-Chairman, called the meeting to order.

Invocation was given by Bobby Thompson.

Pledge of Allegiance given by Ronnie Thompson.

Terry Cundiff, brother to David Cundiff, thanked the Board for every act of kindness expressed to the David Cundiff family during his passing.

INTRODUCTION OF BUILDING OFFICIAL

Christopher Whitlow, Deputy County Administrator, introduced Andy Morris, Building Official, recently hired and a resident in Hardy, Virginia.

Mr. Morris thanked the Board for the opportunity to do great things in Franklin County.

UNEXPIRED TERM OF DAVID R. CUNDIFF/UNION HALL DISTRICT SEAT

Richard E. Huff, II, County Administrator, advised the Board a petition to the Circuit Court of Franklin County to issue a writ of special election to fill the Union Hall Election District seat on the Franklin County Board of Supervisors or to discuss the process and methodology that the Board of Supervisors may wish to adopt to consider in appointing a qualified candidate to fill the vacancy in the Union Hall Election District seat created by the death of David R. Cundiff.

B. J. Jefferson, County Attorney, shared with the Board the following Code Sections:

Section 24.2-228 of the Code states that the remaining members of the Board may appoint a qualified voter of the election district to fill the vacancy that has come to exist and that you have 45 days from the office becoming vacate to so fill it. If the remaining members do not act, the Judges of the Circuit Court may make the appointment. The person so appointed will serve until the vacancy is filled by the voters in a special election or otherwise as set out according to Section 24.2-226 which I will next address.

Section 24.2-226. The governing body shall (mandatory language) within 15 days of the occurrence of the vacancy petition the Court to issue a writ of election to fill the vacancy as set forth in Section 24.2-681 et. seq. of the Code. Upon receipt of the petition or on its own motion, the Court shall issue the writ ordering the election promptly but no later than the next general election in November or in May if the vacant office is regularly scheduled to be filled in May (obviously the May provision is not applicable here unless the Board requests in its petition that the special election be held on a given date). Otherwise, the Court will order that the special election be held on the date of the next general election.

Section 24.2-682 addresses times for a special election. A special election must be held on a Tuesday. A special election can not be held within the 55 days prior to a general election or primary election. No special election may be held on the same day as a primary election but may be held on the same day as a general election. Obviously, this is not relevant unless you may choose to request a special election be held on other than a date that would coincide with the general election.

More from Section 24.2-226. Paragraph B states that no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled. Paragraph C states that when an appointment to a vacancy in the governing body has been made by the remaining members thereof, no election to fill the vacancy shall be ordered or held if the general election at which it is to be called is scheduled for the year in which the term expires. These two paragraphs place a limitation on the holding of a special election in the factual situation which now exists as the Union Hall District on the Franklin County Board of Supervisors.

Charles Wagner, Rocky Mount District Supervisor, stated he would like for individuals to apply for the vacancy and to set a time to receive applications from Union Hall District citizens.

The Board concurred with the process to utilize the application/interview process in filling a letter of intent and a maximum of ten (10) letters of support/references for the Union Hall Electoral District vacancy. The Board stated they would like to have all applications submitted by Monday, November 17, 2014 @ 5:00 P.M.

General discussion ensued.

(RESOLUTION #01-11-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to have all interested Union Hall District citizens apply to fill the vacancy with the Board following an application/interview process, having a cover letter with expanded room for discussion, a maximum of 10 letters of support/references from Union Hall District Citizens with all applications due by Monday, November 17, 2014 @ 5:00 P.M. in the Clerk To the Board's Office.

MOTION BY: Charles Wagner

SECONDED BY: Leland Mitchell

AMENDMENT TO THE MOTION

TO EXTEND THE DEADLINE FOR APPLICATION PROCESS TO MONDAY, NOVEMBER 24, 2014 @ 5:00 P.M.

AMENDMENT MOTION: Bob Camicia

AMENDMENT SECOND: Bobby Thompson

VOTING ON THE AMENDMENT TO ORIGINAL MOTION WAS AS FOLLOWS:

AYES: Camicia & Bobby Thompson

NAYS: Mitchell, Thompson, Wagner, & Brubaker

ABSENT: Cundiff

THE AMENDMENT TO THE MOTION FAILS WITH A 2-4-0-1 VOTE.

VOTING ON THE ORIGINAL MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Camicia, Thompson & Brubaker

ORIGINAL MOTION PASSED WITH A 6-0-0-1 VOTE.

Charles Wagner, Rocky Mount District Supervisor, stated on behalf of the Board after the appointment has been made to fill the vacancy, in no way would this mean an endorsement by

the Board for the individual to run in November 2015, if he or she chooses to run for the Union Hall District seat.

(RESOLUTION #02-11-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to forward a petition to the Circuit Court of Franklin County to issue a writ of special election to fill the Union Hall District Supervisor's seat during the next General Election to be held November 2015.

MOTION BY: Leland Mitchell
SECONDED BY: Charles Wagner
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Thompson, Wagner, Camicia, Thompson & Brubaker
ABSENT: Cundiff

(RESOLUTION #03-11-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to hold the interview process in public forum.

MOTION BY: Ronnie Thompson
SECONDED BY: Charles Wagner
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Ronnie Thompson, Wagner, & Brubaker
NAYS: Mitchell, Camicia & Bobby Thompson
ABSENT: Cundiff

THE MOTION FAILS WITH A 3-3-0-1 VOTE.

(RESOLUTION #04-11-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to have Union Hall Electoral District Candidates publically address the Board and then followed by a Closed Session for questions, in Accordance with 2.2-3711 a-1, Personnel of the Code of Virginia, as amended.

MOTION BY: Charles Wagner
SECONDED BY: Bob Camicia
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Thompson, Wagner, Camicia, Thompson & Brubaker
ABSENT: Cundiff

Vice-Chairman Cline Brubaker recessed the meeting.

CLINE BRUBAKER
VICE-CHAIRMAN

SHARON K. TUDOR, MMC
COUNTY CLERK